



6200 Jefferson NE
Albuquerque, New Mexico 87109
Phone: (505) 761-4400 **Fax:** (505) 761-4462
Web site: www.nm.nrcs.usda.gov

January 24, 2007

NEW MEXICO BULLETIN NO. 180-7-2

SUBJECT: CPA- WETLAND CONSERVATION COMPLIANCE
(GUIDANCE ON REVISED FORM AD-1026)

TO: All Employees

Purpose. To provide clarity on actions required for item 5, of the Form AD-1026.

Expiration Date. September 30, 2007

Background: On February 25, 2005 the Natural Resources Conservation Service and the Army Corps of Engineers (COE) issued a "Memorandum to the Field" that outlined the responsibilities of each agency in regard to wetland conservation related to the Clean Water Act and the Food Security Act. (http://nrcs.usda.gov/programs/compliance/pdf_files/COE_NRCS_wetland.pdf). This document provides that NRCS will **only make wetland determinations for participants, or persons intending to become participants, in USDA programs when the proposed activity involves draining, dredging, filling, leveling, or otherwise manipulating the land, as defined in the Food Security Act, for the purpose of, or to have the effect of making possible the production of an agricultural commodity.** COE will handle all determinations solely for Clean Water Act purposes.

Explanation. The AD 1026 form has not been revised to reflect these changes. Item 5 still refers to the NRCS. None of the actions in item 5 trigger a swampbuster violation and hence NRCS has no jurisdiction. Participants answering yes to item 5 should be referred to the COE. Upon specific request from the participant, NRCS may provide existing wetlands maps for a participant's use in communications with the COE.

Contact. If further information is needed regarding wetland determinations contact Marcus Miller, 761-4432.

DENNIS L. ALEXANDER
State Conservationist